

United States District Court
Eastern District of California

Jason Brown,

Petitioner,

vs.

Diana K. Butler, Warden,

Respondent.

No. Civ. S 05-0866 FCD PAN P

Order

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Petitioner, a state prisoner proceeding without counsel, applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and requested leave to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals petitioner is unable to afford the costs of suit. Leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

A judge "entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,

1 unless it appears from the application that the applicant or
2 person detained is not entitled thereto." 28 U.S.C. § 2243.
3 Petitioner may be entitled to relief.

4 I therefore grant petitioner's request to proceed in forma
5 pauperis and direct respondent to respond to petitioner's
6 application within 60 days. See Rule 4, Fed. R. Governing § 2254
7 Cases. An answer shall be accompanied by any and all transcripts
8 or other documents relevant to the determination of the issues
9 presented in the application. See Rule 5, Fed. R. Governing
10 § 2254 Cases. Petitioner's reply, if any, shall be filed and
11 served within 30 days of service of an answer. If the response
12 to petitioner's application is a motion, petitioner's opposition
13 or statement of non-opposition shall be filed and served within
14 30 days of service of the motion, and respondent's reply, if any,
15 shall be filed within 15 days thereafter. The Clerk of the Court
16 shall serve a copy of this order together with a copy of
17 petitioner's May 2, 2005, petition for a writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254 on Jo Graves, Senior Assistant
19 Attorney General for the State of California.

20 Dated: July 12, 2005.

21 /s/ Peter A. Nowinski

22 PETER A. NOWINSKI
23 Magistrate Judge
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